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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Jane Doe, et al.,

No. 2:24-CV-02259-PHX-MTL

Plaintiffs,

**SANTA CRUZ COUNTY
DEFENDANT'S
ANSWER**

VS.

Kris Mayes, et al.,
Defendants.

(hereinafter, “Santa Cruz County Defendant”)) answer Plaintiffs’ First Amended Complaint (Doc. 82), as subsequently modified by the Court’s July 7, 2025 Order (Doc. 161), as follows.

SANTA CRUZ COUNTY DEFENDANTS' PREFATORY STATEMENT

The Santa Cruz County Defendant, overall, adopts and incorporates by reference the Arizona Attorney General's arguments in her Response in Opposition to Plaintiffs' Motion for Preliminary Injunction (Doc. 86) and Response to Amicus Curiae Brief of American Civil Liberties Union of Arizona in Support of Plaintiffs Motion for a Preliminary Injunction

1 (Doc. 129). Santa Cruz County Defendant, otherwise, Answers Plaintiffs' First Amended
2 Complaint with the following.

3 Arizona has long held it an important interest to protect the young and more
4 vulnerable persons in this State. Arizona has adopted long standing federal protective
5 legislation, such as the Child Abuse Prevention and Treatment of Children's Act
6 (CAPTA)(42 U.S.C. §§5101, *et seq*), as well as, Adoptions and Safe Families Act
7 (ASFA)(Public Law 105-89). Arizona's amendments to its Dangerous Crime Against
8 Children (DCAC) is consistent with its history. Plaintiffs make no claim to support
9 interrupting that history or changing that direction.

10 Plaintiffs allege they are victims of the system and may have a lifetime of registration
11 requirements, but seem to discount the effects of their actions on the victims of their actions.
12 Depending on the sex offender, a child victim of sexual abuse may have a lifetime of crossing
13 paths with the offender.¹ As well as a civil regulatory safeguard for the public, registration
14 requirements are more equitable consequences; not punishment.

15 “Low risk” is not “no risk.” Plaintiffs admit to convictions as sex offenders against
16 children. Nowhere do the Plaintiffs claim they were denied due process in their criminal
17 cases. Their attempt to, now, negate and eliminate their conviction history and presumptive
18 risk to children is without merit.

19 While the Santa Cruz County Defendant, like any county sheriff, will carry out the
20 registration laws as approved by the Arizona Legislature, Governor, and Courts, a county
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26
27 ¹ Perpetrators more likely than not know the victims. [Sexual Abuse | Crimes against Children](#)
28 [Research Center](#)

1 sheriff does maintain an interest in the safety and well being of the children within its county.
2 The Plaintiffs' arguments and relief sought are far reaching and potentially go well beyond
3 a few convicted sex offenders in Maricopa County.

4

5

6 **SANTA CRUZ COUNTY DEFENDANT'S GENERAL DENIAL**

7 Every allegation in the Complaint that is not specifically admitted in this Answer is
8 denied.

9

10 **DEFENDANT'S ANSWER TO PLAINTIFFS' COMPLAINT**

11 Santa Cruz County Defendant answers Plaintiffs' First Amended Complaint as
12 follows:

13

14 The Santa Cruz County Defendant will answer the First Amended Complaint by
15 respective paragraph number, noting that numbering of 146 through 182, under Sections E.
16

17 THE CHALLENGED AMENDMENTS AND STATUTORY PROVISIONS through
18 Section H. THE AMENDMENTS ARE PUNITIVE AND NOT NARROWLY TAILORED
19 TO PROMOTE PUBLIC SAFETY, is restarted at 146 under Section I. EFFECTS OF
20 REGISTRATION:

21

22 **Jurisdiction and Venue**

23 1. Allegation in Paragraph 1 raises questions as to jurisdiction over the Santa
24 Cruz County Defendant Sheriff. The Santa Cruz County Defendant is a non-jural entity.
25 (*Braillard v. Maricopa County*, 2010 WL 2134148 (Ariz. App.Div.2); *Payne v. Arpaio*, 2009
26 WL 3756679 (D.Ariz.)) Plaintiffs seek to enjoin the Santa Cruz County Sheriff from
27

1 enforcing law established through a proper legislative process and signed by the Governor.
2 Santa Cruz County Defendant admits only that a governmental entity may be subject to
3 jurisdiction pursuant to 42 U.S.C. 1983, but denies that Defendant's actions are
4 unconstitutional. Santa Cruz County Defendant affirmatively states it enforces properly
5 enacted laws until such laws are amended, abrogated or deemed unconstitutional. Santa
6 Cruz County Defendant, otherwise, lacks sufficient information and knowledge to form a
7 belief about the truth of the allegation and denies the allegation in Paragraph 1.

8
9 2. The Santa Cruz County Defendant admits this Court has jurisdiction over any
10 civil action authorized by law. The Santa Cruz County Defendant, otherwise, lacks sufficient
11 knowledge and information to form a belief as to any remaining allegations in Paragraph 2
12 and denies the same.

13
14 3. Santa Cruz County Defendant admits the cited statutes and Federal Rules of
15 Civil Procedure provide for declaratory and injunctive relief in limited situations. Santa
16 Cruz County Defendant, otherwise, lacks sufficient information and knowledge to form a
17 belief about the truth of the allegation, and denies any remaining allegation.in Paragraph 3.

18
19 4. Santa Cruz County Defendant admits he resides in Arizona. Upon information
20 and belief, venue is proper in the District of Arizona under 28 U.S.C. §1391(b)(2). Santa
21 Cruz County Defendant, otherwise, lacks sufficient information and knowledge to form a
22 belief about the truth of the allegation and denies any remaining allegations.in Paragraph 4.

23
24 **Parties**

25
26 **A. Plaintiffs**

27
28 **a. Jane Doe [a.k.a., "Plaintiff I"]**

1 As to Paragraphs 5 through 22, the Santa Cruz County Defendant lacks sufficient
2 information and knowledge to form a belief as to the truth about the allegations. Therefore,
3 the Santa Cruz County Defendant denies the allegations in Paragraphs 5 through 22, as well
4 as, any inferences and conclusions within the allegations, in Paragraphs 5 through 22.
5

6 **b. John Doe I [a.k.a., "Plaintiff II"]**

7 As to Paragraphs 23 through 38, the Santa Cruz County Defendant lacks sufficient
8 information and knowledge to form a belief as to the truth about the allegations. Therefore,
9 the Santa Cruz County Defendant denies the allegations in Paragraphs 23 through 38, as
10 well as, any inferences and conclusions within the allegations, in Paragraphs 23 through 38.
11

12 **c. John Doe II [a.k.a., "Plaintiff III"]**

13 As to Paragraphs 39 through 55, the Santa Cruz County Defendant lacks sufficient
14 information and knowledge to form a belief as to the truth about the allegations. Therefore,
15 the Santa Cruz County Defendant denies the allegations in Paragraphs 39 through 55, as
16 well as, any inferences and conclusions within the allegations, in Paragraphs 39 through 55.
17

18 **d. Minor Doe [a.k.a., "Plaintiff IV"]**

19 As to Paragraphs 56 through 62, the Santa Cruz County Defendant lacks sufficient
20 information and knowledge to form a belief as to the truth about the allegations. Therefore,
21 the Santa Cruz County Defendant denies the allegations in Paragraphs 56 through 62, as
22 well as, any inferences and conclusions within the allegations, in Paragraphs 56 through 62.
23

24 **B. Defendants**

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26
27 63. Kris Mayes, in her capacity as the Attorney General of the State of Arizona,
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1 has been dismissed as a party by Motion and the Court's Order, dated July 7, 2025. (Doc.
2 161).

3 64. The Santa Cruz County Defendant admits that Colonel Jeffrey Glover is the
4 Director of the Arizona Department of Public Safety ("DPS") and he is being sued in his
5 official capacity. The Santa Cruz County Defendant denies that there is a statute, A.R.S.
6 §13-2827. The Santa Cruz County Defendant does note and admit that, under A.R.S. §13-
7 3827, the statute states, "The department of public safety shall establish and maintain an
8 internet sex offender website for the purpose of providing sex offender information to the
9 public." The allegations, inferences, and conclusions in Paragraph 64, otherwise, are legal
10 conclusions without sufficient basis. To the extent any remaining allegations do require a
11 response, the Santa Cruz County Defendant lacks sufficient information and knowledge to
12 form a belief as to the truth of the allegation and denies those allegations, inferences, and
13 conclusions.
14

15 65. The Santa Cruz County Defendant admits that Russ Skinner was the Maricopa
16 County Sheriff at the time that the First Amended Complaint was filed and that he was sued
17 in his official capacity. The Santa Cruz County Defendant states that Jerry Sheridan is the
18 current Sheriff for Maricopa County. The Santa Cruz County Defendant further
19 affirmatively states that, in order for someone to sue one of Arizona's counties, they must
20 be able to articulate an injury caused by the county or otherwise be able to state why the
21 county is a necessary party.
22

23 66. The Santa Cruz County Defendant admits that Joe Dedman is the Apache
24 County Sheriff and that he is sued in his official capacity.
25

1 67. The Santa Cruz County Defendant admits that Mark Dannels is the Cochise
2 County Sheriff and that he is sued in his official capacity.

3 68. The Santa Cruz County Defendant admits that Jim Driscoll was the Coconino
4 County Sheriff at the time that the First Amended Complaint was filed and that he was sued
5 in his official capacity. The Santa Cruz County Defendant states that Bret Axlund is the
6 current Sheriff for Coconino County.

8 69. The Santa Cruz County Defendant admits that Adam Shepherd is the Gila
9 County Sheriff and that he is sued in his official capacity.

10 70. The Santa Cruz County Defendant admits that Preston Allred is the Graham
11 County Sheriff and that he is sued in his official capacity.

13 71. The Santa Cruz County Defendant admits that Tim Sumner was the Greenlee
14 County Sheriff at the time that the First Amended Complaint was filed and that he was sued
15 in his official capacity. The Santa Cruz County Defendant states that Eric Ellison is the
16 current Sheriff for Greenlee County..

18 72. The Santa Cruz County Defendant admits that William Ponce is the La Paz
19 County Sheriff and that he is sued in his official capacity.

21 73. The Santa Cruz County Defendant admits that Doug Schuster is the Mohave
22 County Sheriff and that he is sued in his official capacity..

23 74. The Santa Cruz County Defendant admits that David Clouse is the Navajo
24 County Sheriff and that he is sued in his official capacity..

26 75. The Santa Cruz County Defendant admits that Chris Nanos is the Pima
27 County Sheriff and that he is sued in his official capacity.

1 76. The Santa Cruz County Defendant admits that Mark Lamb was the Pinal
2 County Sheriff at the time that the First Amended Complaint was filed and that he was sued
3 in his official capacity. The Santa Cruz County Defendant states that Ross Teeple is the
4 current Sheriff for Pinal County.
5

6 77. The Santa Cruz County Defendant admits that David Hathaway is the Santa
7 Cruz County Sheriff and that he is sued in his official capacity.
8

9 78. The Santa Cruz County Defendant admits that David Rhodes is the Yavapai
10 County Sheriff and that he is sued in his official capacity.
11

12 79. The Santa Cruz County Defendant admits that Leon Wilmot is the Yuma
13 County Sheriff and that he is sued in his official capacity.
14

15 80. The Santa Cruz County Defendant admits the quoted statement is within the
16 statute. The allegation, otherwise, makes a legal conclusion, which lacks further basis. The
17 Santa Cruz County Defendant admits he has a statutory duty to arrest those persons who
18 have violated public offenses and, if charges are approved, bring those persons before a
19 proper judicial officer. The Santa Cruz County Defendant lacks sufficient information and
20 knowledge to form a belief as to the truth of any remaining allegation, inferences, or
21 conclusions and denies the same.
22

23 81. The allegation makes a legal conclusion. The plain meaning of the cited
24 statutes should be controlling. The Santa Cruz County Defendant admits he collects
25 information pursuant to statutory guidelines. To the extent any further response is necessary,
26 the Santa Cruz County Defendant lacks sufficient information and knowledge to form a
27 belief as to the truth of any remaining allegation, inferences, or conclusions and denies the
28

same.

82. The Santa Cruz County Defendant admits it collects information and assists with public notification, within the limits of valid statutory duties.

83. Paragraph 83 is a legal conclusion, which does not require a response. To the extent any further response is necessary, the Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief as to the truth of any remaining allegation, inferences, or conclusions and denies the same, demanding strict proof, thereof.

84. The Santa Cruz County Defendant admits it enforces valid laws, within the limits of its statutory duties.

85. Paragraph 85 is a legal conclusion without any stated basis. The Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief as to the truth of the allegation, inferences, or conclusions and denies the same.

86. Paragraph 86 is a legal conclusion without a stated basis. The Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief as to the truth of any allegation, inferences, or conclusions and denies the same.

87. Paragraph 87 is a legal conclusion without a stated basis. The Santa Cruz County Defendant admits it enforces valid laws, within the limits of its statutory duties. The Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief as to the truth of any remaining allegation, inferences, or conclusions and denies the same.

88. The Santa Cruz County Defendant admits that SB1404 and SB1236 have passed legislative process and have been signed into law by the Governor.² The Santa Cruz

² SB1404 was signed into law by the Governor on March 29, 2024. SB1236 was signed into law by the Governor on April 16, 2024. Both well before Plaintiffs' initial Complaint, filed August

1 County Defendant admits that legislative bills passed and signed into law amend Arizona
2 statutes, which apply statewide. Paragraph 88 is, otherwise, speculative. To the extent any
3 further response is necessary, the Santa Cruz County Defendant lacks sufficient information
4 and knowledge to form a belief as to the truth of any remaining allegation, inferences, or
5 conclusions and denies the same.
6

7 89. The Santa Cruz County Defendant admits the cited statute directs those who
8 are required to register to do so, if they move to other counties. The Santa Cruz County
9 Defendant defers to the plain meaning of the statute. To the extent any further response is
10 necessary, the Santa Cruz County Defendant lacks sufficient information and knowledge to
11 form a belief as to the truth of any remaining allegation, inferences, or conclusions and
12 denies the same.
13

14 90. The Santa Cruz County Defendant defers to the plain meaning of the cited
15 statute. The Santa Cruz County Defendant admits the quoted statement is within the statute.
16 The Santa Cruz County Defendant admits he complies with valid statutory directions. To
17 the extent any further response is necessary, the Santa Cruz County Defendant lacks
18 sufficient information and knowledge to form a belief as to the truth of any remaining
19 allegation, inferences, or conclusions and denies the same.
20

21 91. The Santa Cruz County Defendant defers to the plain meaning of the cited
22 statute. The Santa Cruz County Defendant admits the quoted statement is within the statute.
23 The Santa Cruz County Defendant admits he complies with valid statutory directions. To
24 the extent any further response is necessary, the Santa Cruz County Defendant lacks
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29, 2024.

sufficient information and knowledge to form a belief as to the truth of any remaining allegation, inferences, or conclusions and denies the same.

92. The Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief as to the truth of the allegation and denies the same.

Statement of Facts

A. DANGEROUS CRIMES AGAINST CHILDREN OFFENSES

93. Santa Cruz County Defendant admits the quoted text is within the cited statute. The Santa Cruz County Defendant defers to the plain meaning of the cited statute. The Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief as to the truth of any remaining allegation, inferences, comments, opinions, or conclusions and denies the same.

94. The Santa Cruz County Defendant admits the quoted text is within the cited statute.

95. The Santa Cruz County Defendant admits that Arizona prosecutes those individuals who have committed crimes against children. Other allegations in Paragraph 95 are opinions without any supportive facts. The Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief as to the truth of the allegations, inferences, or conclusions and denies the same.

96. The allegations in Paragraph 96 are opinions and lack any supportive facts. The Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief as to the truth of the allegations, inferences, or conclusions and denies the same. The

1 issue, including relevance, of “dangerous” has otherwise been addressed by the Court in its
2 July 7, 2025 Order. (Order, pg. 8, lines 20-21).

3 97. The allegations in Paragraph 97 are opinions and lack any supportive facts.
4 The issue, including relevance, of “dangerous” has otherwise been addressed by the Court
5 in its July 7, 2025 Order. (*Id.*) The Santa Cruz County Defendant lacks sufficient
6 information and knowledge to form a belief as to the truth of the allegations, inferences, or
7 conclusions and denies the same.

8 98. The allegations in Paragraph 94 are opinions and lack any supportive facts.
9 The Santa Cruz County Defendant lacks sufficient information and knowledge to form a
10 belief as to the truth of the allegations, inferences, or conclusions and denies the same.

11 99. The allegations in Paragraph 99 are legal conclusions and opinions, which
12 lack any supportive facts. The Santa Cruz County Defendant lacks sufficient information
13 and knowledge to form a belief as to the truth of the allegations, inferences, or conclusions
14 and denies the same.

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B. ARIZONA SEX OFFENDER REGISTRATION

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20 100. The Santa Cruz County Defendant admits that a convicted sex offender must
21 register as a registered sex offender.

22
23 101. The Santa Cruz County Defendant admits that a person required to register
24 must do so for ten (10) years following release from incarceration. (A.R.S. 13-3821(M)).
25 The Santa Cruz County Defendant admits that “a person who has a prior conviction or
26 adjudication of guilty except insane for an offense for which registration is required” must
27

1 register for life. (*Id.*). The Santa Cruz County Defendant, otherwise, lacks sufficient
2 information and knowledge to form a belief as to the truth of the allegation in Paragraph 101
3 and denies the same.

4 102. The Santa Cruz County Defendant admits a risk assessment may be required,
5 depending on pre-conditions detailed in A.R.S. 13-3825.

6 103. The Santa Cruz County Defendant admits that, based on the scoring from the
7 previously referenced assessment tool, a convicted sex offender is assigned a level of risk to
8 re-offend.

9 104. The Santa Cruz County Defendant admits that the scoring on the assessment
10 tool that results in a Level One suggests the lowest risk of re-offense, amongst the three (3)
11 levels. The Santa Cruz County Defendant states that the assessment tool is based on self
12 report and available object record information. The Santa Cruz County Defendant,
13 otherwise, lacks sufficient information and knowledge to form a belief as to the truth of
14 inferences in the allegation in Paragraph 104 and denies the same.

15 105. The term, “violent offense,” is not defined and open to interpretation. The
16 Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief
17 as to the truth of the allegation in Paragraph 105 and denies the same.

18 106. The term, “medium risk of reoffending,” is not defined and open to
19 interpretation. The Santa Cruz County Defendant lacks sufficient information and
20 knowledge to form a belief as to the truth of the allegation in Paragraph 106 and denies the
21 same.

22 107. The Santa Cruz County Defendant admits that all three Levels of offenders
23

1 are “potential threats to public safety.” The Santa Cruz County Defendant also admits that
2 a scoring of the assessment tool that results in a Level 3 assessment suggests the highest risk
3 of reoffending. The Santa Cruz County Defendant, otherwise, lacks sufficient information
4 and knowledge to form a belief as to the truth of the inferences in the allegation in Paragraph
5 107 and denies the same.

6
7 108. The Santa Cruz County Defendant admits that those persons required to
8 register must provide personal identifying information as directed by statute.

9
10 109. The Santa Cruz County Defendant admits that persons required to register
11 must update information as prescribed by statute.

12
13 110. The Santa Cruz County Defendant admits that the cited statute directs
14 publication of specific information on the “internet sex offender website” for those persons
15 “convicted or adjudicated guilty except insane sex offender in this state who is required to
16 register pursuant to section 13-3821.”

17
18 111. The Santa Cruz County Defendant admits, pursuant to A.R.S. 13-3827(D),
19 “The department of public safety shall maintain a separate database and search function on
20 the website that contains any required online identifier of sex offenders whose risk
21 assessments have been determined to be a level two or level three and the name of any
22 website or internet communication service where the required online identifier is being
23 used. This information shall not be publicly connected to the name, address and photograph
24 of a registered sex offender on the website.”

25
26 112. The Santa Cruz County Defendant does not maintain the referenced “public
27 registry” and, therefore, lacks sufficient information and knowledge to form a belief as to
28

1 the truth of the allegation in Paragraph 112 and denies the same.

2 **HISTORY OF ARIZONA SORA'S INCREASING BURDENS**

3 In responding to Paragraphs 113 through 116 of Plaintiffs' First Amended Complaint,
4 the Santa Cruz County Defendant adopts and incorporates by reference the legislative history
5 on the relevant sex offender registration, as well as, this Court's findings in its Order, filed
6 11/22/2024 (Doc. No. 132).

7 117. Paragraph 117 is an opinion and argument without supporting facts. The
8 Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief
9 as to the truth of the allegation in Paragraph 117 and denies the same.

10 118. Paragraph 118 is an opinion and argument without supporting facts. The
11 Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief
12 as to the truth of the allegation in Paragraph 118 and denies the same.

13 119. Paragraph 119 is an opinion without supporting facts. The Santa Cruz County
14 Defendant lacks sufficient information and knowledge to form a belief as to the truth of the
15 allegation in Paragraph 119 and denies the same.

16 120. The Santa Cruz County Defendant lacks sufficient information and
17 knowledge to form a belief as to the truth of the allegation in Paragraph 120 and denies the
18 same.

19 In responding to Paragraphs 121 through 124, the Santa Cruz County Defendant
20 adopts and incorporates by reference the Legislative History for the referenced statutes. The
21 Santa Cruz County Defendant affirmatively notes that, assuming the Plaintiffs' allegations
22 in Paragraphs 121 through 124 are accurate, the Plaintiffs' allegations admit that amendments
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are likely and the legislative process may allow the most likely recourse for the Plaintiffs.

**C. ONLINE PUBLICATION OF SEX OFFENDER INFORMATION AND
COMMUNITY NOTIFICATION PRIOR TO THE CHALLENGED
AMENDMENTS**

125. The Santa Cruz County Defendant, again, admits that sex offenders must provide personal identifying information, as further detailed by statute.

126. The Santa Cruz County Defendant admits that sex offenders' information may be published and notifications may be made, as directed by statute.

127. The term, “risk to the public,” in Paragraph 127 is not defined. The allegations form an opinion without supporting facts. The Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief as to the truth of that allegation and denies the same. The Santa Cruz County Defendant affirmatively states that a Level One individual is a convicted sex offender and have “traditionally” been subject to some form of registration. The Santa Cruz County Defendant admits that convicted sex offenders’ information is maintained by sheriffs’ offices, as directed by statute. The Santa Cruz County Defendant admits such information may be provided to other law enforcement agencies, in accordance with statutory guidelines.

128. The Santa Cruz County Defendant admits that community notification is made, consistent with A.R.S. 13-3825.

129. The Santa Cruz County Defendant lacks sufficient information and knowledge to form a belief as to the truth of the allegation in Paragraph 129 and denies the

1 same.

2 130. Paragraph 130 states an opinion without supporting facts. The Santa Cruz
3 County Defendant lacks sufficient information and knowledge to form a belief as to the truth
4 of the allegation in Paragraph 130 and denies the same.
5

6 131. Paragraph 131 states an opinion without supporting facts. The Santa Cruz
7 County Defendant lacks sufficient information and knowledge to form a belief as to the truth
8 of the allegation in Paragraph 131 and denies the same.
9

10 **D. ADDITIONAL RESTRICTIONS IMPOSED AGAINST REGISTERED
11 SEX OFFENDERS, INCLUDING PLAINTIFFS**

13 132. Paragraph 132 states an opinion without supporting facts. The Santa Cruz
14 County Defendant lacks sufficient information and knowledge to form a belief as to the truth
15 of the allegation in Paragraph 132 and denies the same.
16

17 133. The Santa Cruz County Defendant lacks sufficient information and
18 knowledge to form a belief as to the truth of the allegation in Paragraph 133.
19

20 134. The Santa Cruz County Defendant admits that sex offense specific treatment
21 is required of sex offenders.
22

23 135. The Santa Cruz County Defendant admits that A.R.S. 13-3821 provides
24 directives for registration of offenders
25

26 136. The Santa Cruz County Defendant lacks sufficient information and
27 knowledge to form a belief as to the truth of the allegation in Paragraph 136.
28

137. The Santa Cruz County Defendant lacks sufficient information and

1 knowledge to form a belief as to the truth of the allegation in Paragraph 133.

2 138. The Santa Cruz County Defendant admits that sex offender compliance is
3 monitored.

4 139. The Santa Cruz County Defendant adopts and incorporates by reference the
5 Defendant's, Col. Glover, response to this allegation.

6 140. The Santa Cruz County Defendant admits.

7 141. The Santa Cruz County Defendant admits that A.R.S. §13-3824 establishes
8 consequences for a person subject to registration under Article 3 within Chapter 38 of Title
9 13 of the Arizona Revised Statutes who fails to comply with the requirements of Article 3,
10 which such consequence is that the person is guilty of a class 4 felony. (A.R.S. §13-3824(A)).
11 The Santa Cruz County Defendant defers to the plain meaning of the text within the statute
12 and requirements under Article. The Santa Cruz County Defendant, otherwise, lacks
13 sufficient knowledge or information to form a belief as to the allegations and opinion in
14 Paragraph 141.

15 142. The Santa Cruz County Defendant admits.

16 143. The Santa Cruz County Defendant lacks sufficient knowledge or information
17 to form a belief as to the allegations and opinion in Paragraph 143.

18 144. The Santa Cruz County Defendant admits that the Supreme Court of
19 Arizona has concluded that misdemeanor offenses with sexual motivation is a serious
20 crime. The *Fushek* court explains, "In light of these factors, we conclude that the potential
21 of sex offender registration reflects a legislative determination that Fushek has been
22 charged with serious crimes. As the Supreme Court noted in *Blanton*, "[t]he judiciary
23

1 should not substitute its judgment as to seriousness for that of a legislature, which is far
2 better equipped to perform the task.”” 489 U.S. at 541–42, 109 S.Ct. 1289 (quoting *Landry*
3 v. *Hoepfner*, 840 F.2d 1201, 1209 (5th Cir.1988)) (internal quotation marks omitted).
4 (*Fushek v. State*, 218 Ariz. 285, 292–93, 183 P.3d 536, 543–44 (2008)). The *Fushek* court,
5 further, found the defendant was entitled to a trial by jury. (*Id.*)

7

8 **E. THE CHALLENGED AMENDMENTS AND STATUTORY PROVISIONS**

9 **a. S.B. 1404 (Community Notification)**

10 145. The Santa Cruz County Defendant admits the alleged facts in Paragraph 145.

11 146. The Santa Cruz County Defendant defers to the plain meaning of the terms
12 within the referenced S.B. 1404 and affected statutes. Santa Cruz County Defendant,
13 otherwise, lacks sufficient knowledge or information to form a belief as to the allegations
14 and opinion in Paragraph 146 and denies the same.

15 147. The Santa Cruz County Defendant admits.

16 148. The Santa Cruz County Defendant admits.

17 149. The Santa Cruz County Defendant lacks sufficient knowledge or information
18 to form a belief as to the allegations and opinion in Paragraph 149 and denies the same.

19 **b. S.B. 1236 (Website)**

20 150. The Santa Cruz County Defendant admits the facts in Paragraph 150.

21 151. The Santa Cruz County Defendant defers to the plain meaning of the terms
22 within the referenced S.B. 1236 and affected statutes. Santa Cruz County Defendant,
23 otherwise, lacks sufficient knowledge or information to form a belief as to the allegations
24

1 and opinion in Paragraph 151 and denies the same.

2 152. The Santa Cruz County Defendant lacks sufficient knowledge or information
3 to form a belief as to the allegations and opinion in Paragraph 152 and denies the same.

4 **c. A.R.S. 13-3825(C)(1) (Dissemination of Information)**

5 153. The Santa Cruz County Defendant admits the quoted text is within the statute.

6 154. The Santa Cruz County Defendant lacks sufficient knowledge or information
7 to form a belief as to the allegations and opinion in Paragraph 154.

8 155. To the extent Paragraph 155 is an index of relevant statutes, the Santa Cruz
9 County Defendant admits. The Santa Cruz County Defendant defers to the plain meaning
10 of the texts within the specified statutes. To the extent the Paragraph 155 includes opinions,
11 inferences, or other allegations, Santa Cruz County Defendant lacks sufficient knowledge or
12 information to form a belief as to the allegations in Paragraph 155 and denies the same.
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16 **F. THE GOVERNOR PREVIOUSLY REJECTED A NEARLY IDENTICAL**
17
18 **BILL**

19 156. The Santa Cruz County Defendant lacks sufficient knowledge or information
20 to form a belief as to the allegations and opinion in Paragraph 156 and, therefore, denies the
21 same.
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23 157. The Santa Cruz County Defendant lacks sufficient knowledge or information
24 to form a belief as to the allegations and opinion in Paragraph 157 and, therefore, denies the
25 same.
26

27 158. The Santa Cruz County Defendant lacks sufficient knowledge or information
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1 to form a belief as to the allegations and opinion in Paragraph 158 and, therefore, denies the
2 same.

3 159. The Santa Cruz County Defendant lacks sufficient knowledge or information
4 to form a belief as to the allegations and opinion in Paragraph 159 and, therefore, denies the
5 same.

6 160. The Santa Cruz County Defendant lacks sufficient knowledge or information
7 to form a belief as to the allegations and opinion in Paragraph 160 and, therefore, denies the
8 same.

9 161. The Santa Cruz County Defendant lacks sufficient knowledge or information
10 to form a belief as to the allegations and opinion in Paragraph 161 and, therefore, denies the
11 same.

12 **G. SORA STATUES IMPACT CONSTITUTIONAL RIGHTS**

13 162. The Santa Cruz County Defendant lacks sufficient knowledge or information
14 to form a belief as to the allegations and opinion in Paragraph 162 and, therefore, denies the
15 same.

16 163. The Santa Cruz County Defendant lacks sufficient knowledge or information
17 to form a belief as to the allegations and opinion in Paragraph 163 and, therefore, denies the
18 same.

19 164. The Santa Cruz County Defendant lacks sufficient knowledge or information
20 to form a belief as to the allegations and opinion in Paragraph 164 and, therefore, denies the
21 same.

22 165. The Santa Cruz County Defendant affirmatively states that it monitors

1 approximately twenty (20) Level One assessed sexual offenders. Upon information and
2 belief, those individuals, as well as the other convicted sex offenders who have to register,
3 have not voiced opposition to or complained about the registration requirements, before and
4 after the amendments to the statutes. The Santa Cruz County Defendant, otherwise, lacks
5 sufficient knowledge or information to form a belief as to the allegations and opinion in
6 Paragraph 165 and, therefore, denies the same.
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10 **H. THE AMENDMENTS ARE PUNITIVE AND NOT NARROWLY**
11 **TAILORED TO PROMOTE PUBLIC SAFETY**

12 Paragraphs 166 through 182 are opinions with questionable support. The Santa Cruz
13 County Defendant defers to the Legislative History for accurate accounting of the
14 Amendments' background. To the extent a response is needed, the Santa Cruz County
15 Defendant lacks sufficient information and knowledge to form a belief as to the truth of the
16 allegations.
17
18

19 **I. EFFECTS OF REGISTRATION**
20

21 As previously noted, paragraph numbering restarts at 146 through 164. These
22 paragraphs and section are opinions without sufficient factual support. To the extent a
23 response is required, the Santa Cruz County Defendant lacks sufficient information and
24 knowledge to form a belief as to the truth of these allegations and section and, therefore,
25 denies the allegations to the extent a response can be made.
26
27
28

1 **Causes of Action**

2 **CLAIMS I-VII**

3 **CLAIMS [a.k.a., “COUNTS”] I through VII were dismissed by Motion and the**
4 **Court’s Order, dated July 7, 2025. (Doc. 161)**

7 **CLAIM VIII**

8 **S.B. 1404 & A.R.S. 13-3825(C)(1) – Compelled Speech
(Plaintiff III)**

9 266. The Santa Cruz County Defendant realleges and incorporate by reference
10 each of their preceding admissions, denials, and affirmative statements as if fully set forth
11 herein..

13 267. The Santa Cruz County Defendant lacks sufficient information to form a
14 belief as to the allegations in this Paragraph as they relate to the Santa Cruz County Sheriff
15 and therefore deny it.

17 268. The Santa Cruz County Defendant admits that convicted sex offenders must
18 register according to, and as directed by, the Arizona Revised Statutes and other relevant
19 law. The Santa Cruz County Defendant, otherwise, lacks sufficient information to form a
20 belief as to the allegations in this Paragraph as they relate to the Santa Cruz County Sheriff
21 and therefore deny it. Santa Cruz County Defendant affirmatively states that, specifically as
22 to Plaintiff III, Plaintiff III has not alleged any facts that indicate Plaintiff III resides or
23 intends to reside in Santa Cruz County.

25 269. The Santa Cruz County Defendant admits the allegations in Paragraph 269,
26 as to registration of limited minor children information and Level One Community

1 Notification Amendments requiring Level One registrants convicted of a DCAC offense to
2 register minimal information regarding a minor child for which they have legal custody.³
3 The Santa Cruz County Defendant, otherwise, lacks sufficient information to form a belief
4 that such information is protected “speech” and therefore denies this portion of the
5 allegation.

7 270. The Santa Cruz County Defendant denies the required information about the
8 child [name and custodial status] will be provided, if the sex offender parent does not reside
9 in the county or the child is not registered in a school. The Santa Cruz County Defendant
10 admits that, based on the limited information that may be reported, a sheriff’s office may be
11 provided a minor child’s custodial status and name, which such information may also be
12 available through court records, such as family court or criminal court documents, and
13 readily provided by a custodial [and even non-custodial] parent for the protection of his/her
14 child. The Santa Cruz County Defendant, otherwise, lacks sufficient information to form a
15 belief as to the custodial status and child’s address, since it will vary with a situation, and
16 therefore denies this allegation.

19 271. The Santa Cruz County Defendant lacks sufficient information to form a
20 belief as to this allegation and therefore denies the allegation.

22 272. The Santa Cruz County Defendant defers to the plain meaning of the text
23 within A.R.S. §13-3825(C). The Santa Cruz County Defendant admits that, for a Level One
24 offender who has been convicted of a dangerous crime against children, a community
25

26 ³ The prerequisites are that the registrant is a convicted sex offender who has legal custody of a
27 [minor] child and the child is enrolled in a school. (Senate Engrossed SB1404, pg. 3, lines 35-
28 36). Information to be provided is limited to child’s name and enrollment status, who is “enrolled
in school.” (*id.*)

1 notification is disseminated in a non-electric format. The Santa Cruz County Defendant,
2 otherwise, lacks sufficient information to form a belief as to this allegation and therefore
3 denies the allegation.

4 273. The Santa Cruz County Defendant lacks sufficient information to form a
5 belief as to this allegation and therefore denies the allegation.

6 274. The Santa Cruz County Defendant lacks sufficient information to form a
7 belief as to this allegation and therefore denies the allegation.

8 275. The Santa Cruz County Defendant lacks sufficient information to form a
9 belief as to this allegation and therefore denies the allegation.

10 276. The Santa Cruz County Defendant lacks sufficient information to form a
11 belief as to this allegation and therefore denies the allegation.

12 277. The Santa Cruz County Defendant lacks sufficient information to form a
13 belief as to this allegation and therefore denies the allegation.

14 278. The Santa Cruz County Defendant lacks sufficient information to form a
15 belief as to this allegation and therefore denies the allegation.

16 279. The Santa Cruz County Defendant lacks sufficient information to form a
17 belief as to this allegation and therefore denies the allegation.

18 280. The Santa Cruz County Defendant lacks sufficient information to form a
19 belief as to this allegation and therefore denies the allegation.

20 281. The Santa Cruz County Defendant lacks sufficient information to form a
21 belief as to this allegation and therefore denies the allegation.

22 282. The Santa Cruz County Defendant lacks sufficient information to form a
23 belief as to this allegation and therefore denies the allegation.

1 belief as to this allegation and therefore denies the allegation.

2 283. The Santa Cruz County Defendant lacks sufficient information to form a
3 belief as to this allegation and therefore denies the allegation.

4 284. The Santa Cruz County Defendant lacks sufficient information to form a
5 belief as to this allegation and therefore denies the allegation.

6
7
8 **CLAIM IX**

9 **CLAIM [a.k.a., “COUNT”] IX was dismissed by Motion and the Court’s Order,**
10
11 **dated July 7, 2025. (Doc. 161)**

12
13 **CLAIM X**

14 **S.B. 1404 & S.B. 1236 – Cruel and Unusual Punishment**
15 **(All Plaintiffs)**

16 295. The Santa Cruz County Defendant realleges and incorporate by reference
17 each of their preceding admissions, denials, and affirmative statements as if fully set forth
18 herein.

19
20 296. The Santa Cruz County Defendant lacks sufficient information to form a
21 belief as to this allegation and therefore denies the allegation. The Santa Cruz County
22 Defendant does note that the relevant punishment, under the Eighth Amendment is “cruel
23 and unusual punishment,” which is defined as, “Punishment that is torturous, degrading,
24 inhuman, grossly disproportionate to the crime in question, or otherwise shocking to the
25 moral sense of the community.” (Black’s Law Dictionary, 12th ed. 2024) (see also, *Smith v.*
26 *Doe*, 538 U.S. 84 (2003) and *State v. Trujillo*, 248 Ariz. 473 (2020) (Sex Offender
27
28

1 Registration not historically punitive.).

2 297. The Santa Cruz County Defendant lacks sufficient information to form a
3 belief as to this allegation and therefore denies the allegation.

4 298. The Santa Cruz County Defendant lacks sufficient information to form a
5 belief as to this allegation and therefore denies the allegation.

6 299. The Santa Cruz County Defendant lacks sufficient information to form a
7 belief as to this allegation and therefore denies the allegation.

8 300. The Santa Cruz County Defendant lacks sufficient information to form a
9 belief as to this allegation and therefore denies the allegation.

10 301. The Santa Cruz County Defendant lacks sufficient information to form a
11 belief as to this allegation and therefore denies the allegation.

12 302. The Santa Cruz County Defendant lacks sufficient information to form a
13 belief as to this allegation and therefore denies the allegation.

14 303. The Santa Cruz County Defendant lacks sufficient information to form a
15 belief as to this allegation and therefore denies the allegation.

16 304. The Santa Cruz County Defendant lacks sufficient information to form a
17 belief as to this allegation and therefore denies the allegation.

18 305. The Santa Cruz County Defendant lacks sufficient information to form a
19 belief as to this allegation and therefore denies the allegation.

20 306. The Santa Cruz County Defendant lacks sufficient information to form a
21 belief as to this allegation and therefore denies the allegation.

22 307. The Santa Cruz County Defendant lacks sufficient information to form a
23

1 belief as to this allegation and therefore denies the allegation.

2 308. The Santa Cruz County Defendant lacks sufficient information to form a
3 belief as to this allegation and therefore denies the allegation.

4 309. The Santa Cruz County Defendant lacks sufficient information to form a
5 belief as to this allegation and therefore denies the allegation.

6
7
8 **AS NOTED IN OTHER PLEADINGS, THERE IS NO CLAIM XI**

9
10
11 **CLAIM XII**
12 **S.B. 1404 & S.B. 1236 – Ex Post Facto**
13 **(Plaintiffs I, II, and III)**

14 310. The Santa Cruz County Defendant realleges and incorporate by reference
15 each of their preceding admissions, denials, and affirmative statements as if fully set forth
16 herein..

17 311. Santa Cruz County Defendant admits that Section 2(A) of S.B. 1236 includes
18 the referenced statements. Beyond that the Santa Cruz County Defendant lacks information
19 to form a belief as to any other allegation in Par. 311 and denies the same.

20 312. Santa Cruz County Defendant admits that Section 2(B) of S.B. 1236 includes
21 the referenced statements. Beyond that the Santa Cruz County Defendant lacks information
22 to form a belief as to any other allegation in Par. 312 and denies the same.

23 313. Santa Cruz County Defendant admits that S.B. 1404 includes the referenced
24 statements. Beyond that the Santa Cruz County Defendant lacks information to form a belief
25 as to any other allegation in Par. 313 and denies the same.

1 314. The Santa Cruz County Defendant lacks sufficient information to form a
2 belief as to this allegation and therefore denies the allegation.

3 315. The Santa Cruz County Defendant lacks sufficient information to form a
4 belief as to this allegation and therefore denies the allegation.
5

6 316. The Santa Cruz County Defendant lacks sufficient information to form a
7 belief as to this allegation and therefore denies the allegation.
8

9 317. The Santa Cruz County Defendant lacks sufficient information to form a
10 belief as to this allegation and therefore denies the allegation.
11

12 318. The Santa Cruz County Defendant lacks sufficient information to form a
13 belief as to this allegation and therefore denies the allegation.
14

15 319. The Santa Cruz County Defendant lacks sufficient information to form a
16 belief as to this allegation and therefore denies the allegation.
17

CLAIM XIII

18 **CLAIM [a.k.a., “COUNT”] XIII was dismissed by Motion and the Court’s
19 Order, dated July 7, 2025. (Doc. 161)**
20

(PLAINTIFFS’) PRAYER FOR RELIEF

21 The Santa Cruz County Defendant denies that Plaintiffs are entitled to any of their
22 requested relief.
23

AFFIRMATIVE DEFENSES

The Santa Cruz County Defendant joins, adopts and incorporates by reference Defendant's, Colonel Jeffrey Glover, Director of the Arizona Department of Public Safety, Affirmative Defenses. The Santa Cruz County Defendant further adds the following Affirmative Defenses:

1. The Santa Cruz County Defendant is a non-jural entity and incapable of being sued. (*Braillard v. Maricopa County*, 2010 WL 2134148 (Ariz. App.Div.2); *Payne v. Arpaio*, 2009 WL 3756679 (D.Ariz.)).

2. Plaintiffs fail to state a claim upon which relief can be granted.

3. Qualified immunity. (*Clement v. City of Glendale*, 518 F.3d 1090, 1096 (9th Cir. 2008)(Government officials shielded from liability where conduct does not violate statutory or constitutional rights that a reasonable person would have known.)

4. Minor Plaintiff lacks standing.

5. Adult Plaintiffs lack standing and Article III Case and Controversy requirements, as to the Santa Cruz County Defendant.

6. Santa Cruz County is not a proper defendant to this action and must be dismissed. Plaintiffs are unable to sue for injunctive relief absent the likelihood of future harm from the Santa Cruz County Sheriff. (*Lyons v. City of Los Angeles*, 615 F.2d 1243, 1246 (9th Cir. 1980)).

7. The Santa Cruz County Defendant reserves the right to assert additional affirmative defenses as additional facts are discovered.

SANTA CRUZ COUNTY DEFENDANT'S PRAYER FOR RELIEF

The Santa Cruz County Defendant joins, adopts, and incorporates by reference Defendant's, Colonel Jeffrey Glover, Director of the Arizona Department of Public Safety, prayer for relief and further adds as follows.

- A. That the Court dismiss Plaintiffs' Complaint;
 - B. That judgment be entered in favor of the Santa Cruz County Defendant and against Plaintiffs on Plaintiffs' First Amended Complaint;
 - C. That the Santa Cruz County Defendant be awarded their reasonable fees and costs under any applicable statute, rule, or equitable doctrine; and
 - D. For any and all other and further relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED this 11th day of August, 2025.

GEORGE E. SILVA
SANTA CRUZ COUNTY ATTORNEY

/s/*Robert F. May*
Robert F. May, Esq.
Bureau Chief – Civil Division
Santa Cruz County Attorney’s Office

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of August, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Arizona using the CM/ECF filing system. Counsel for all prior Defendants, as well as, Plaintiffs, who have appeared and are registered CM/ECF users will be served by the

1 CM/ECF system pursuant to the notice of electronic filing, with courtesy copies emailed
2 as follows:

3
4 Honorable Michael T. Liburdi
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15
16 *Attorneys for Plaintiffs*

17
18 /s/ RFM